

**United States Court of Appeals
for the Federal Circuit**

LKQ CORPORATION, KEYSTONE AUTOMOTIVE INDUSTRIES, INC.,

Appellants,

v.

GM GLOBAL TECHNOLOGY OPERATIONS LLC,

Appellee.

ON APPEAL FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE,
PATENT TRIAL AND APPEAL BOARD IN INTER PARTES REVIEW NO.
IPR2020-00534

JOINT MOTION TO EXTEND BRIEFING SCHEDULE

IRWIN IP LLP

BARRY F. IRWIN
IFTEKHAR A. ZAIM
ANDREW C. HIMEBAUGH
ARIEL H. KATZ
IRWIN IP LLP
150 N. Wacker Dr., Suite 700
Chicago, IL 60606
(312) 667-6080
birwin@irwinip.com
izaim@irwinip.com
ahimebaugh@irwinip.com
akatz@irwinip.com

MARK A. LEMLEY
MARK P. McKENNA
LEX LUMINA PLLC
745 Fifth Ave., Suite 500
New York, NY 10151

FISH & RICHARDSON P.C.

Joseph A. Herriges
John A. Dragseth
Sarah E. Jack
FISH & RICHARDSON P.C.
60 South 6th Street, Suite 3200
Minneapolis, MN 55402
(612) 335-5070

Nitika Gupta Fiorella
FISH & RICHARDSON P.C.
222 Delaware Avenue, 17th Floor
Wilmington, DE 19801
(302) 652-5070

Attorneys for Appellee
**GM Global Technology Operations
LLC**

(646) 898-2055
mlemley@lex-lumina.com
mark@lex-lumina.com

***Counsel for Appellants
LKQ Corporation and Keystone
Automotive Industries, Inc.***

Dated: September 19, 2023

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF INTEREST****Case Number** 21-2348**Short Case Caption** LKQ Corporation v. GM Global Technology Operations LLC**Filing Party/Entity** GM Global Technology Operations LLC**Instructions:**

1. Complete each section of the form and select none or N/A if appropriate.
2. Please enter only one item per box; attach additional pages as needed, and check the box to indicate such pages are attached.
3. In answering Sections 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance.
4. Please do not duplicate entries within Section 5.
5. Counsel must file an amended Certificate of Interest within seven days after any information on this form changes. Fed. Cir. R. 47.4(c).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 09/19/2023Signature: /s/ Joseph A. HerrigesName: Joseph A. Herriges

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input type="checkbox"/> None/Not Applicable
GM Global Technology Operations LLC		General Motors Company

☐ Additional pages attached

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable

☐ Additional pages attached

Dorothy P. Whelan	Craig Deutsch	Grace Kim
Jennifer Huang	Fish & Richardson P.C.	

5. Related Cases. Other than the originating case(s) for this case, are there related or prior cases that meet the criteria under Fed. Cir. R. 47.5(a)?

☐ Yes (file separate notice; see below) ☒ No ☐ N/A (amicus/movant)

If yes, concurrently file a separate Notice of Related Case Information that complies with Fed. Cir. R. 47.5(b). **Please do not duplicate information.** This separate Notice must only be filed with the first Certificate of Interest or, subsequently, if information changes during the pendency of the appeal. Fed. Cir. R. 47.5(b).

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable

☐ Additional pages attached

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF INTEREST****Case Number** 2021-2348**Short Case Caption** LKQ Corporation, et al. v. GM Global Technology Operations LLC**Filing Party/Entity** LKQ Corporation

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 09/19/2023Signature: /s/ Barry F. IrwinName: Barry F. Irwin

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input type="checkbox"/> None/Not Applicable
LKQ Corporation		None
Keystone Automotive Industries, Inc,		LKQ Corporation

☐ Additional pages attached

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable

☐ Additional pages attached

Reid Huefner	Margaret Herrmann	

5. Related Cases. Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).

☐ None/Not Applicable

☐ Additional pages attached

LKQ Corp., et al. v. GM Global Technology Operations LLC, Fed. Cir. Case No. 2022-1253		

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable

☐ Additional pages attached

JOINT MOTION TO EXTEND BRIEFING SCHEDULE

Pursuant to Federal Circuit Rule 26(b) and Federal Rules of Appellate Procedure 26(b) and 27, Appellee GM Global Technology Operations LLC (“GM”) respectfully requests a 14-day extension of time to file its response to Appellants LKQ Corporation and Keystone Automotive Industries, Inc.’s (“Appellants”) En Banc Opening Brief. This response is currently due on September 28, 2023. GM seeks a 14-day extension to October 12, 2023. This request is filed at least 7 days prior to the due date sought to be extended and is GM’s first motion for an extension to respond to Appellants’ En Banc Opening Brief.

GM has good cause to request this extension due to GM’s counsels’ professional commitments that hinder their ability to prepare a brief by the current deadline.

For the foregoing reasons, GM respectfully requests a fourteen-day extension, to October 12, 2023, to file its en banc response brief.

LKQ does not object to GM’s requested extension. In addition to moving GM’s en banc response deadline by two weeks, due to scheduling conflicts resulting from this change in schedule, LKQ requests an additional two weeks and two days to prepare and file its reply brief. As set forth in the attached declaration,

LKQ has good cause to request this extension, and counsel for GM does not object to LKQ's requested extension.

Should the Court grant the requested relief, the briefing schedule would therefore be adjusted as follows:

- GM's en banc response will be due October 12, 2023.
- LKQ's en banc reply brief will be due November 29, 2023.

The requested extension would not prejudice any party.

Dated: September 19, 2023

Respectfully submitted,

/s/ Barry F. Irwin

BARRY F. IRWIN
IFTEKHAR A. ZAIM
ANDREW C. HIMEBAUGH
ARIEL H. KATZ
IRWIN IP LLP
150 N. Wacker Dr., Suite 700
Chicago, IL 60606
(312) 667-6080
birwin@irwinip.com
izaim@irwinip.com
ahimebaugh@irwinip.com
akatz@irwinip.com

MARK A. LEMLEY
MARK P. MCKENNA
LEX LUMINA PLLC
745 Fifth Ave., Suite 500
New York, NY 10151
(646) 898-2055
mlemley@lex-lumina.com
mark@lex-lumina.com

*Counsel for Appellants
LKQ Corporation and Keystone
Automotive Industries, Inc.*

/s/ Joseph A. Herriges

Joseph A. Herriges
John A. Dragseth
Sarah E. Jack
FISH & RICHARDSON P.C.
60 South 6th Street, Suite 3200
Minneapolis, MN 55402
(612) 335-5070

Nitika Gupta Fiorella
FISH & RICHARDSON P.C.
222 Delaware Avenue, 17th Floor
Wilmington, DE 19801
(302) 652-5070

*Attorneys for Appellee GM Global
Technology Operations LLC*

**United States Court of Appeals
for the Federal Circuit**

LKQ CORPORATION, KEYSTONE AUTOMOTIVE INDUSTRIES, INC.,

Appellants,

v.

GM GLOBAL TECHNOLOGY OPERATIONS LLC,

Appellee.

ON APPEAL FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE,
PATENT TRIAL AND APPEAL BOARD IN INTER PARTES REVIEW NO.
IPR2020-00534

**DECLARATION OF BARRY F. IRWIN IN SUPPORT OF
APPELLANTS' REQUEST FOR EXTENSION OF TIME**

IRWIN IP LLP

BARRY F. IRWIN
IFTEKHAR A. ZAIM
ANDREW C. HIMEBAUGH
ARIEL H. KATZ
IRWIN IP LLP
150 N. Wacker Dr., Suite 700
Chicago, IL 60606
(312) 667-6080
birwin@irwinip.com
izaim@irwinip.com
ahimebaugh@irwinip.com
akatz@irwinip.com

MARK A. LEMLEY
MARK P. MCKENNA
LEX LUMINA PLLC
745 Fifth Ave., Suite 500

FISH & RICHARDSON P.C.

Joseph A. Herriges
John A. Dragseth
Sarah E. Jack
FISH & RICHARDSON P.C.
60 South 6th Street, Suite 3200
Minneapolis, MN 55402
(612) 335-5070

Nitika Gupta Fiorella
FISH & RICHARDSON P.C.
222 Delaware Avenue, 17th Floor
Wilmington, DE 19801
(302) 652-5070

Attorneys for Appellee

New York, NY 10151
(646) 898-2055
mlemley@lex-lumina.com
mark@lex-lumina.com

***GM Global Technology Operations
LLC***

***Counsel for Appellants
LKQ Corporation and Keystone
Automotive Industries, Inc.***

Dated: September 19, 2023

**DECLARATION OF BARRY F. IRWIN IN SUPPORT OF APPELLANTS’
REQUEST FOR EXTENSION OF TIME**

I, Barry F. Irwin, pursuant to Federal Circuit Rule 26(b)(3), declare as follows:

1. The facts set forth herein are based on my personal knowledge and are true and correct to the best of my knowledge, belief, recollection, and understanding.

2. I am an attorney at the law firm of Irwin IP LLP, counsel of record in this action for Appellants LKQ Corporation and Keystone Automotive Industries, Inc. (“Appellants”), and I am willing and able to testify if needed.

3. I submit this declaration in support of Appellants’ request for an additional two and a half weeks to file their reply brief.

4. Appellants arranged their litigation and personal schedules in anticipation of the current schedule being maintained. Specifically, anticipating that Appellee’s response brief would be filed on September 28 and that Appellants’ reply brief would be due on October 30, Appellants pushed many litigation activities, such as depositions and expert reports, into the first few weeks of November and also arranged for time off during that period. By moving the schedule out by two weeks, Appellants will be unable to devote the time and attention to the reply brief that they otherwise would have been able to do. Further, a two-week extension to the amount of time allocated to Appellants to prepare their reply does not fully ameliorate the situation given that two weeks would include the week of Thanksgiving.

5. Accordingly, Appellants request this Court adjusts the briefing schedule to allow Appellants an additional two weeks and two days to file their reply brief, such that it would be due November 29, 2023.

6. The requested extension would not prejudice any party.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 19, 2023, in Chicago, IL.

/s/ Barry F. Irwin
Barry F. Irwin

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS****Case Number:** 21-2348**Short Case Caption:** LKQ Corporation v. GM Global Technology Operations LLC**Instructions:** When computing a word, line, or page count, you may exclude any items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2).

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

- ☒ the filing has been prepared using a proportionally-spaced typeface and includes 268 words.
- ☐ the filing has been prepared using a monospaced typeface and includes _____ lines of text.
- ☐ the filing contains _____ pages / _____ words / _____ lines of text, which does not exceed the maximum authorized by this court's order (ECF No. _____).

Date: 09/19/2023Signature: /s/ Joseph A. HerrigesName: Joseph A. Herriges